

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

JOSEPH COCCHINI,

Plaintiff,

-vs-

THE CITY OF FRANKLIN,
TENNESSEE, *et al.*,

Defendants.

BRIAN RUSSELL, *et al.*,

Plaintiffs,

-vs-

THE CITY OF FRANKLIN,
TENNESSEE, *et al.*,
Defendants.

TIMOTH BROWN,

Plaintiff,

-vs-

THE CITY OF FRANKLIN,
TENNESSEE, *et al.*,

Defendants.

Case No. 3:23-cv-01185

JURY DEMAND

Chief Judge Crenshaw

Magistrate Judge Holmes

Case No. 3:24-cv-000223

Case No. 3:24-cv-00497

**PLAINTIFFS' STATEMENT OF UNDISPUTED MATERIAL FACTS IN
SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Come now the Plaintiffs, Joseph Cocchini, Brian Russell, Marvin Young, Jeremy Slayden, and Timothy Brown, by and through counsel of record, and submit the following Statement of Undisputed Material Facts in support of their combined Motion for Summary Judgment on all claims pursuant to Fed.R.Civ.P. 56 and L.R. 56.01(b). Plaintiff Joseph Cocchini also respectfully submits this Statement of Undisputed Facts in support of his motion for summary judgment separately as to Defendant Kevin Spry.

I. The City of Franklin and the Franklin Pride Festival.

1. The Park at Harlinsdale Farm (hereinafter “the Park”) was established in 1933, by W.W. Harlin and deeded by the Harlin family to the City of Franklin in 2004. (Deborah Faulkner Rule 30(b)(6) Dep. at 12:11- 14:3, Exhibit 2).

RESPONSE:

2. The Park is owned by the City of Franklin. (Depo. Eric Stuckey at 21:21-25).

RESPONSE:

3. On January 16, 2023, a group known as Franklin Pride submitted a special event application to use the Park for a public event on June 3, 2023. (Depo. Eric Stuckey at 13:23-25; 29:9-12; Exh. 1).

RESPONSE:

4. When an event is larger than 500 people, the application must go to the Board of Mayor and Alderman for approval. (Depo. Eric Stuckey at 15:7-10).

RESPONSE:

5. Once an entity or individual is granted use of the park space there is a separate agreement, and fees paid for the use of the park space. (Depo. Eric Stuckey at 21:1-8).

RESPONSE:

6. Franklin Pride chose to use all of the Park on June 3, 2023. (Depo. Eric Stuckey at 21:15-18; 25:24-26:2, 21-23).

RESPONSE:

7. The words “rent” or “lease” do not appear anywhere in the City of Franklin Special Event Permit Application. (Depo. Eric Stuckey at Exh. 1).

RESPONSE:

8. Franklin Pride agreed to “assume the defense of and indemnity and save harmless the City, it’s mayor, alderman, boards commissions, officers employees, and agents from all suits, actions, damages, or claims to which the City may be subjected to any kind or nature whatsoever resulting from, caused by, arising out of, or as a consequence of such event and the activities permitted in connection therewith.” (Depo. Eric Stuckey at 27:20-28:13).

RESPONSE:

9. Every approved application is a grant by the City to use the Park for the applicant's purpose for the time period defined in the permit. (Depo. of Deborah Faulkner at 17:16-18; Depo. Eric Stuckey at 19:2-4, 12-17).

RESPONSE:

10. On April 19, 2023, City Administrator Eric Stuckey sent a letter to the President of Franklin Pride, Clayton Klutts, describing some specifics of the event permit conditions and some clarification about the City's expectations. In Paragraph (D) of the letter, Mr. Stuckey wrote: "There shall be no harassment or discrimination based on age, ancestry, color, gender identity or expression, national origin, physical or mental disability, *religion*, sexual orientation, or any other characteristic protected by applicable laws, regulations, and ordinances." [emphasis added]. (Depo. Eric Stuckey at 39:30-40:15).

RESPONSE:

11. City Administrator Stuckey testified that demanding that someone to leave the Park on account of their peaceful expression of Biblical or religious views concerning marriage would be a violation of this condition outlined in his April 19, 2023, letter. (Depo. Eric Stuckey at 40:24-41:9).

RESPONSE:

12. Sponsors of events are provided automatically with police protection by the City of Franklin. (Depo. of Deborah Faulkner at 21:20-22; 24:3-8; 24:23-25:3).

RESPONSE:

13. The incident commander at such events, in this case Lt. Eric Anderson, is vested with oversight and command of an event when it comes to police personnel, and is responsible for maintaining appropriate staffing, directing resources and necessary, and communicating with other leadership members of the City of Franklin, such as EMS, and event coordinators. (Depo. M. Eric Anderson at 18:17-19:2).

RESPONSE:

14. All of the City of Franklin police officers who were assigned to attend the Franklin Pride event on June 3, 2023, were considered “on duty”. (Depo. Eric Stuckey at 33:2-5).

RESPONSE:

15. The City of Franklin provided twelve police officers to cover the Franklin Pride event. (Depo. M. Eric Anderson at 10:5-11).

RESPONSE:

16. The Franklin Pride Festival was open to the public, anyone was free to attend. (Depo. Kevin Spry at 19:18; 97:11-13; Depo. Alan Yates at 11:2; Depo 30(b)(6) for Deborah Faulkner at 47:16-18; Depo. M. Eric Anderson at 18:7-11; Depo. Eric Stuckey at 19:20; 20:1, 5-8).

RESPONSE:

17. City of Franklin police officers on duty at the Pride event on June 3, 2023, were paid by the City. (Depo. Eric Stuckey at 33:2-10).

RESPONSE:

18. The City did provide some additional police resources because of concerns that were raised about the safety and security of the event. (Depo. Eric Stuckey at 33:11-18).

RESPONSE:

19. On the morning of June 3, 2023, prior to the Pride Festival the City of Franklin held a briefing for police officers, emergency personnel and other city officials. Officers Kevin Spry, Alan Yates, Mark Sanchez and Lt. Eric Anderson attended this briefing, along with seventeen other City of Franklin police officers. Also in attendance were Shauna Billingsley, counsel for the City of Franklin; Lisa Clayton, Parks and Recreation Director for the City of Franklin; and Janey Mason, Parks Supervisor for the City of Franklin, and other City officials. (Defendant's Response to Plaintiff Cocchini's First Set of Interrogatories, No. 7; Depo. Kevin Spry at 11:24-12:25; Depo. Alan Yates at 9:8-13; Depo. M. Eric Anderson at 16:18-25).

RESPONSE:

20. During this briefing on June 3, 2023, police officers were instructed that if Franklin Pride event coordinators or safety coordinators wanted someone removed from the Park for any reason, they were to remove them. (Depo. Kevin Spry at 12:1-16; 13:3-15; 14:9-12; 45:13-16; 56:8-11; 85:15-24; 86:21-87:3; 102:16-20; Depo. Alan Yates at 13:11-18; Depo 30(b)(6) for Deborah Faulkner at 44:18-23, 45:6-10; Depo. of Deborah Faulkner at 16:3-5; 17:22-25; 18:17-19; 30:8-11; 56:20-57:1; Depo. M. Eric Anderson at 23:15-20; Depo. Mark Sanchez at 21:1-5).

RESPONSE:

21. The officers were also instructed by Lieutenant Eric Anderson that the property had effectively been “rented out”, and they were to treat the Park like any other private property. (Depo. Kevin Spry at 11:22-25; 19:11-14; 36:2-4; 45:9-13; 46:6-11, 18:19; 54:24-55:8; 56:4-11; 85:15-24; 86:21-87:3; 98:4-6; 101:22-24; 102:16-20; 104:17-20; 111:11-14, 114:18-23; Depo. Alan Yates at 10:22-24).

RESPONSE:

22. Officer Alan Yates testified that they were instructed that if anyone failed to leave voluntarily after being ordered to do so, that they would be placed under arrest. (Depo. Alan Yates at 12:25-13:2).

RESPONSE:

23. Officer Mark Sanchez testified that if event organizers said that they did not someone in because they were Hispanic, that Officer Sanchez may not like what they are saying, but he would tell the Hispanic individual to go, because the event organizer instructed him to remove the individual. (Depo. Mark Sanchez at 25:13-21).

RESPONSE:

24. Officer Kevin Spry testified that he did not recall being told prior to the event that it was unlawful for individuals who attended to pass out literature, or possess pamphlets, or any kind of gospel tracts intended to be handed out. (Depo. Kevin Spry at 63:24-64:5).

RESPONSE:

25. There were two controlled access points to enter the Pride Festival. Entry was controlled by wristbands. One was on the south side of the event and the other was on the east side of the event. Officer Spry testified that the controlled access points allowed Franklin Pride to screen those who came in to the event. (Depo. Kevin Spry at 19:18-22; 102:21-24; Depo. Alan Yates at 11:2-3, 6-8; Depo 30(b)(6) for Deborah Faulkner at 47:19-22; 56:14-16; Depo. of Deborah Faulkner at 65:18-22; 66:24-67:3; Depo. Eric Stuckey at 36:1-8; Depo. of Jeremy Slayden at 65:7-8; Depo. of Brian Russell at 85:21-23).

RESPONSE:

26. No one was charged admission to the event on June 3, 2023. (Depo. Alan Yates at 11:16-18; Depo. M. Eric Anderson at 18:14; Depo. Eric Stuckey at 20:15).

RESPONSE:

27. Franklin Pride event staff never explained to the Franklin police officers why they wanted certain individuals removed. (Depo. Alan Yates at 29:21-24).

RESPONSE:

28. If a Franklin Pride event coordinator or staff member asked someone to leave, it was the police officer's duty to say to the guest, "let's go!" The officers served as a kind of backup for the event coordinator to have people removed. (Depo. Alan Yates at 31:4-8).

RESPONSE:

29. According to the City Administrator Eric Stuckey, the City of Franklin serves in a support position to support the event sponsor's right to control the space and the event. This support role includes having City of Franklin Police on hand to remove people that the event sponsor wants removed. (Depo. Eric Stuckey at 37:25-38:21).

RESPONSE:

30. At least two individuals were told they were not allowed to enter the festival because one of them had a Bible in her purse. (Depo. of Jeremy Slayden at 64:22-24; 65:18-25; 68:22-69:5; Depo. of Brian Russell at 87:5-12).

RESPONSE:

31. At one point during the festival, Lieutenant Anderson instructed a subordinate officer over the radio that "[i]f people want to come on site and pass out literature, that's prohibited. But if they want to have prayer, that's fine." (Depo. M. Eric Anderson at 31:11-15).

RESPONSE:

32. Officer Mark Sanchez based his enforcement of Franklin Pride's "no literature policy" on an encounter he experienced that morning at the entrance to the Park when two individuals were denied entry by security because they possessed religious literature. (Depo. Mark Sanchez at 15:9-16:9; 20:4-13).

RESPONSE:

33. Lieutenant Anderson testified that the passing out of literature was a concern. (Depo. M. Eric Anderson at 31:20-22; 32:2-7).

RESPONSE:

34. During one encounter between Franklin Pride event coordinator Leslie Carillo and the Plaintiff Brian Russell, Ms. Carillo stated in the presence of Franklin Police officers: “if you want to exercise your First Amendment rights, there’s an area across the street.” (Depo. Kevin Spry at 78:10-14).

RESPONSE:

35. After the Pride Festival, on July 28, 2023, Officer Kevin Spry received an email from City Administrator Stuckey congratulating him on how he handled the situation involving the arrest of Joseph Cocchini on June 3, 2023. The subject line of the email stated, “Good Job.” (Depo. Kevin Spry at 82:15-20; Depo. of Deborah Faulkner at 34:10-35:2; Depo. Eric Stuckey at 44:8-9; 45:4-13).

RESPONSE:

36. According to the Incident Commander, Lt. Eric Anderson, none of the Plaintiffs posed a threat regarding violence or safety when they were asked to leave the park. Nor did he see anyone directly threaten anyone else. (Depo. M. Eric Anderson at 48:23-49:2, 18-19).

RESPONSE:

II. Plaintiff Joseph Cocchini

37. Joseph Cocchini is an adult citizen of Rutherford County, Tennessee. He has a five-year advanced degree in electrical engineering and is employed as a senior controls engineer with a manufacturing company. He is also engaged in training in pastoral studies. (Depo. of Joseph Cocchini at 19:7-10; 62:16-25).

RESPONSE:

38. Mr. Cocchini is also an evangelist, Sunday school teacher and part-time counselor for individuals struggling with drug addiction. (Depo. of Joseph Cocchini at 22:9-11).

RESPONSE:

39. Mr. Cocchini is a member of a group of evangelists that communicate via the Signal app. chat group called Nashville Evangelists. (Depo. of Joseph Cocchini at 22:22-9; 24:14-16).

RESPONSE:

40. It was through this Signal Chat group of evangelists that Mr. Cocchini first became aware of the June 3, 2023, Franklin Pride Festival. (Depo. of Joseph Cocchini at 22:22-9; 26:11-24).

RESPONSE:

41. Mr. Cocchini's purpose for attending the Franklin Pride Festival was to evangelize. He believes that as a Christian he is called through his faith to share the Gospel with others. (Depo. of Joseph Cocchini at 48:21-25; 54:14-18).

RESPONSE:

42. Mr. Cocchini read the rules posted by Franklin Pride for those attending the event on June 3, 2023, and that he abided by them. (Depo. of Joseph Cocchini at 28:3-17).

RESPONSE:

43. Mr. Cocchini met three other men whom he knew from the Nashville Evangelist Signal Group, John Coble, Ben Gonzales and Bradley Naslund around noon on Saturday, June 3, 2023. (Depo. of Joseph Cocchini at 56:3-14).

RESPONSE:

44. While the men were waiting, they happened to see a group of people being led by Plaintiff Brian Russell, who had formed a prayer group. The men joined this group in prayer at the invitation of Mr. Russell. (Depo. of Joseph Cocchini at 66:1-15; 67:22-68:7).

RESPONSE:

45. Mr. Cocchini was wearing a t-shirt that read: “Jesus Changed My Life, Ask Me How.” (Depo. of Joseph Cocchini at 29:13-17; 49:22-23; 68:23-69:2; 70:16-71:1).

RESPONSE:

46. As Mr. Cocchini and his companions approached the Park, they decided to separate into two's. Mr. Cocchini paired up with Ben Gonzales. (Depo. of Joseph Cocchini at 57:7-15).

RESPONSE:

47. Mr. Cocchini approached various vendors with whom he had polite and cordial conversations. (Depo. of Joseph Cocchini at 84:2-15; 87:2-13; 89:8-90:3).

RESPONSE:

48. Mr. Cocchini only passed out a single religious tract on June 3, 2023, to a vendor who offered him a business card in exchange. The tract did not contain any message critical of LGBTQ. (Depo. of Joseph Cocchini at 59:15-60:3).

RESPONSE:

49. When he arrived at a booth sponsored by the Glendale United Methodist Church, Mr. Cocchini stopped briefly to read the sign that was set in front of the booth. As he did so, a female booth attendant approached him and asked if Mr. Cocchini had any questions. In response he said, “Are you a Christian?” The woman responded “yes”. He then asked if she could share the Gospel with him so that he could understand better what she believed. However, the attendant appeared to not understand and was confused what Mr. Cocchini meant when he said the word “Gospel”. (Depo. of Joseph Cocchini at 92:8-18; 93:5-19; 94:24-25; 95:2-4,15-24; 96:17-25; 109:18-19).

RESPONSE:

50. Mr. Cocchini expressed to the church booth attendant his personal beliefs about the gospel of Jesus Christ. (Depo. of Joseph Cocchini at 97:13-20).

RESPONSE:

51. While Mr. Cocchini was speaking with the attendant, a female pastor approached whom he then included in this polite conversation. The pastor then proceeded to tell him her understanding of the Gospel. Neither individual from the Glendale Church became upset with Mr. Cocchini. (Depo. of Joseph Cocchini at 99:19-22; 101:6-24-102:1).

RESPONSE:

52. While he was speaking the attendant and pastor at the Glendale United Methodist Church booth, Mr. Cocchini was approached by several Franklin Police Officers, including Officer Kevin Spry, Officer Alan Yates and Lt. Eric Anderson. (Depo. of Joseph Cocchini at 95:22-24; 102:20-22; Depo. M. Eric Anderson at 44:20-23).

RESPONSE:

53. Officer Kevin Spry and Officer Alan Yates had been notified by the Pride Festival Event Coordinator, Leslie Carrillo, that Mr. Cocchini and his companion, Ben Gonzales needed to be removed. (Depo. Kevin Spry at 8:8-9:5; Depo. Alan Yates at 15:17; Depo. of Joseph Cocchini at 106:2-4).

RESPONSE:

54. Leslie Carrillo did not inform Officer Kevin Spry of the reason Franklin Pride wanted Mr. Cocchini removed. She simply told Officer Spry and Officer Yates that she wanted him removed and led them to his location. (Depo. Kevin Spry at 9:16-19; 24:14-15; Depo. Alan Yates at 15:17; 23:4-8).

RESPONSE:

55. No one, other than Leslie Carillo, complained about Mr. Cocchini to Officer Spry prior to his arrest. (Depo. Kevin Spry at 30:4-13; 40:18-21).

RESPONSE:

56. Officer Spry did not personally observe any criminal activity being committed by Mr. Cocchini prior to arresting him. (Depo. Kevin Spry at 28:17-25).

RESPONSE:

57. Officer Spry did not recall ever being told by Franklin Pride that Mr. Cocchini was acting in a disorderly manner. (Depo. Kevin Spry at 29:11-15).

RESPONSE:

58. Officer Spry testified that while it was not his decision to have Mr. Cocchini removed, he did so based upon Ms. Carrillo's instruction to remove him. (Depo. Kevin Spry at 35:14-22; 39:11-15).

RESPONSE:

59. Officer Spry was advised by his superior officer Lieutenant Anderson, that the event space was effectively private property. (Depo. Kevin Spry at 35:14-22; 39:11-15; Depo. of Deborah Faulkner at 10:17-21; 11:12; 12:1-4).

RESPONSE:

60. Officer Spry told Mr. Cocchini prior to his arrest he did not know what Mr. Cocchini did, but that it was the event coordinator who wanted him removed. (Depo. Kevin Spry at 43:16-18; Depo. Alan Yates at 17:22-18:2).

RESPONSE:

61. Officer Spry went on to state in response to Mr. Cocchini's question as to why he was being arrested: "This is not our decision. We don't know why." (Depo. Alan Yates at 18:5-8).

RESPONSE:

62. Officer Yates explained to Mr. Cocchini, "you are on private property, and they've asked you to leave." Officer Yates further explained, "They have rented out the space." A two minute, thirty-eight second video depicting Mr. Cocchini's arrest appears of record as Exhibit 2 to Kevin Spry's deposition. (Depo. Alan Yates at 18:10-18). (Dep. of Kevin Spry, Exh. 2).

RESPONSE:

63. Officer Spry told Mr. Cocchini: "I'm going to tell you one more time, you are going to leave." (Depo. Alan Yates at 20:17-19).

RESPONSE:

64. And Officer Yates followed up with, “Any further business here, you’ll be trespassing.” Officer Yates testified that he made that follow up statement because Mr. Cocchini had been asked to leave. And if he had any further delay, Mr. Cocchini would be trespassing. (Depo. Alan Yates at 20:22-25; 21:11-13).

RESPONSE:

65. Officer Spry stated to Mr. Cocchini, “I’m going to tell you one more time, you are going to leave or you’re going to be arrested. I’m not going down this road again. I’m going to tell you one more time, you either leave or you are going to be arrested.” (Depo. Alan Yates at 21:21-25).

RESPONSE:

66. It was Officer Spry’s decision to place Mr. Cocchini under arrest. (Depo. Alan Yates at 13:19-21).

RESPONSE:

67. Officer Spry removed approximately six people from the Frankin Pride Festival on June 3, 2023, including Mr. Cocchini at the instruction of Franklin Pride. (Depo. Kevin Spry at 22:19-25; 23:3-14).

RESPONSE:

68. Lt. Anderson testified that his understanding for the reason Franklin Pride Festival coordinators wanted Mr. Cocchini removed was because he was engaging in actions or behaviors

that were inconsistent with the rules and regulations and the desires of the event coordinators and has been asked to cease or leave, and he refused to do so. (Depo. M. Eric Anderson at 39:3-7).

RESPONSE:

69. Officer Spry admitted to Mr. Cocchini that he had broken no rules of the festival. (Depo. of Joseph Cocchini at 113:4-9; 148:5-8).

RESPONSE:

70. Mr. Cocchini posed no threat to anyone at the event that would warrant law enforcement to remove him from the park. (Depo. M. Eric Anderson at 46:22-47:1).

RESPONSE:

71. At all times during Mr. Cocchini's encounter with Officer Spry and the other officers, he addressed officers in a polite, cooperative and respectful manner; other than not leaving as instructed, Mr. Cocchini did not resist in any way; there was no struggle or effort or altercation and in no manner was Mr. Cocchini difficult while being handcuffed. Mr. Cocchini simply put his hands behind his back. In fact, Mr. Cocchini said to Officer Spry, "I appreciate what you're doing here today." (Depo. Kevin Spry at 47:15-48:2; 70:13-14; Depo. Alan Yates at 16:9-11; Depo. M. Eric Anderson at 25:2-4).

RESPONSE:

72. Mr. Cocchini was charged with violating T.C.A. § 39-14-405, the criminal trespass law. (Depo. Kevin Spry at 89:21-24; Depo. of Deborah Faulkner at 11:8).

RESPONSE:

73. Mr. Cocchini's pregnant wife went to the jail and paid \$500.00 to make bail for her husband. (Depo. of Joseph Cocchini at 129:18-130:2).

RESPONSE:

74. The General Sessions Court of Williamson County, Tennessee found that there was no probable cause for Mr. Cocchini's arrest. (Depo. Kevin Spry at 59:13-18).

RESPONSE:

III. Plaintiff's Brian Russell, Marvin Young and Jeremy Slayden

A. Brian Russell

75. The 2023 Franklin Pride Festival was the first Pride Festival Brian Russell ever attended. (Depo. of Brian Russell at 25:12-16).

RESPONSE:

76. Mr. Russell attended the Pride Festival seeing it as an opportunity to share the Gospel. (Depo. of Brian Russell at 25:23-26:6).

RESPONSE:

77. Mr. Russell went into the Festival twice on June 3, 2023. His first visit took place at approximately 11:00 a.m. On this occasion, he walked around, purchased some water, prayed silently, and looked for his friend Pastor Marvin Young. (Depo. of Brian Russell at 75:3-5; 88:9-13).

RESPONSE:

78. When Mr. Russell joined up with Pastor Marvin, they visited a Methodist Church booth, where Mr. Russell was handed a flyer. Mr. Russell inquired about the religious beliefs of those attending the booth. A gentleman approached the booth and told Mr. Russell and Mr. Young that he once thought like Mr. Russell, but he changed his views. The gentleman and Mr. Russell continued a cordial, polite conversation, when a woman from another booth began yelling at them, telling them they needed to leave, and she was going to call the police. Because of the woman's protests, Mr. Russell and Pastor Young moved on. (Depo. of Brian Russell at 89:2-7, 21-23; 90:14-24; 91:3-11; 93:19-25; 94:14-17; 95:4-6).

RESPONSE:

79. Shortly thereafter, Pastor Marvin Young was approached by Officer Sanchez. (Depo. of Brian Russell at 95:9-25).

RESPONSE:

80. When Mr. Russell returned to the festival for the second time on the afternoon of June 3, 2023, this time with Plaintiff Jeremy Slayden. (Depo. of Brian Russell at 131:3-6).

RESPONSE:

81. Shortly thereafter, Jeremy Slayden suggested that they pray out in the grassy area of the field. As the men finished praying, there were confronted by several Franklin City police officers approached accompanied by a Pride Event coordinator, Leslie Carillo. (Depo. of Brian Russell at 133:20-22; 135:19-136:1; 153:6-11).

RESPONSE:

82. Ms. Carillo told Brian Russell, in the presence of the Franklin police officers that Mr. Russell and Mr. Slayden had to leave because they were not in support of Pride. She also told them that if they wanted to exercise his First Amendment rights, he could do so across the street (meaning across Franklin Road and away from the Park). (Depo. of Brian Russell at 144:10-12; 145:20-24; 147:4-6; 148:4-7; 153:6-11).

RESPONSE:

83. Mr. Russell and Mr. Slayden were escorted by the Franklin Police out of the Park under threat of arrest. (See video of Russell and Slayden being removed by police escort, Depo of Kevin Spry, at Exh. 9).

RESPONSE:

B. Marvin Young

84. Marvin Young is an ordained pastor and overseer for a Christian Fellowship. He is also a certified faith-based counselor. (Depo. Marvin Young at 27:7-9; 31:10-16).

RESPONSE:

85. Since 2008 Pastor Young has been the pastor for One Heart Ministries, based out of his home in Franklin, Tennessee. One Heart Ministries performs outreach in the community, feeding the homeless, mentoring youth, providing clothing, food and shelter. And it works with One Gen and GraceWorks. (Depo. Marvin Young at 33:3-25; 25:12-24; 39:2-16).

RESPONSE:

86. Pastor Young attended the Pride Festival on June 3, 2023, to peaceably share the message of the Gospel. (Depo. Marvin Young at 72:9-12).

RESPONSE:

87. Upon entering the Pride Festival, Pastor Young was told by a police officer that he could not pray or allowed to have tracts. (Depo. Marvin Young at 64:14-16).

RESPONSE:

88. Several minutes after entry, Pastor Young was approached and questioned by a Franklin Police Officer as to whether or not he possessed a Bible or any religious tracts. The officer continued to tell him that the City had prepared them with tactical training for this festival and that if anyone decided to pray with someone or talk about the Bible, they would be asked to leave, or they may be arrested. The officer closed the conversation with Pastor Young by telling him to just be careful and don't do anything to cause them to remove you. (Depo. Marvin Young at 76:24-77:10; 78:17-20).

RESPONSE:

89. After walking around for a while, Pastor Young joined the Plaintiff Brian Russell. Pastor Young never initiated any conversation with anyone at the Franklin Pride Festival about scripture or lifestyle, he allowed others to ask him the questions. (Depo. Marvin Young at 92:18-22; 94:8,10,17; 95:20; 96:17-18; 103:2-20; 104:5-13).

RESPONSE:

90. At one booth Pastor Young and Mr. Russell began speaking with one of the booth attendants. She became angry and began calling Pastor Young, Mr. Russell and their friend “haters”, and stated that she was going to get the police. (Depo. Marvin Young at 100:23-101:24).

RESPONSE:

91. The police arrived on the scene and Officer Mark Sanchez told Pastor Young that they could not share their faith, and if they did, they would be asked to leave. And if they refused to or continued to share their faith, they would be arrested. (Depo. Marvin Young at 108:17, 24-25; 109:1-2, 6-16; Depo. of Brian Russell at 95:12-23).

RESPONSE:

92. Pastor Young further testified that he asked Officer Sanchez if someone in the Park were to ask Pastor Young a question, would he be allowed to respond. Officer Sanchez told Pastor Young “no” because it was a private event. (Depo. Marvin Young at 110:7-14).

RESPONSE:

93. Officer Sanchez testified that Pastor Young was flagged down by a vendor who advised him that two men were starting a confrontation. This vendor pointed to Pastor Young and two other individuals. (Depo. Mark Sanchez at 10:10-22; 12:22-23; 14:7-9; 17:4-10).

RESPONSE:

94. Officer Sanchez testified that Pastor Young and his companions did not appear to him to be doing anything confrontational. (Depo. Mark Sanchez at 17:12-17).

RESPONSE:

95. Officer Sanchez approached Pastor Young and stated that “[w]e got a complaint from someone over there”; and essentially told him and his companions not to “cause any trouble because if they ask you to leave, we are going to...escort you out.” (Depo. Mark Sanchez at 11:4-16; 16:21-23).

RESPONSE:

96. Officer Sanchez explained to Pastor Young and his companions that if someone were to speak to the organizers about them, and the organizers tell the officers to remove them, then they would have to leave. And Officer Sanchez was trying to be polite and inform Pastor Young what could happen. (Depo. Mark Sanchez at 17:21-24; 18:4-8, 15-20; Depo. Marvin Young at 111:18-21).

RESPONSE:

97. Officer Sanchez also informed Pastor Young that “they don’t want you to pass out any literature.” (Depo. Mark Sanchez at 15:6-8).

RESPONSE:

98. At all times Officer Sanchez interacted with Pastor Young, he responded in a peaceful manner. (Depo. Mark Sanchez at 19:16-20).

RESPONSE:

99. As Pastor Young, Mr. Russell, Pastor Anthony and a homeless man named Chris stopped to pray before leaving the Festival. After the men stopped praying, a man with a walkie-talkie and gun on his hip, ran past the group. Pastor Young could hear from the radio that the person on the other end yelling: “there are some guys praying up front, get them out of here now!” (Depo. Marvin Young at 122:25-123:21).

RESPONSE:

100. Pastor Young left the festival to avoid being arrested. (Depo. Marvin Young at 131:21-22).

RESPONSE:

C. Jeremy Slayden

101. Jeremy Slayden is a podcaster on a YouTube channel and a Rumble Channel called JSlayUSA. (Depo. of Jeremy Slayden at 39:2-13; 40:9-12).

RESPONSE:

102. Mr. Slayden visited the Franklin Pride event on June 3, 2023, to observe and document the event and to pray with some fellow Christians. He regularly documents events happening in Franklin that are of cultural interest which touch on issues of faith. (Depo. of Jeremy Slayden at 36:2-20; 47:13-23; 48:1-4; 53:5-25).

RESPONSE:

103. On June 3, 2023, Mr. Slayden arrived at the Factory of Franklin at approximately 10:00 a.m. Upon arrival Mr. Slayden met with Mr. Russell who was already hosting a prayer group. (Depo. of Jeremy Slayden at 43:4-23).

RESPONSE:

104. Mr. Slayden and Mr. Russell entered the event at approximately 10:15 or 10:30 a.m. Upon entry Mr. Slayden went off on his own walking around and chatting with people for approximately thirty or forty minutes. He then met back up with Mr. Ruessell and they had lunch at the factory. And then returned to the festival after lunch. (Depo. of Jeremy Slayden at 61:18-62:5).

RESPONSE:

105. While Mr. Slayden walked around, he took some video and mostly observed and talked to a couple of vendors. Interactions all of which was friendly. (Depo. of Jeremy Slayden at 70:23-25).

RESPONSE:

106. During the first time Mr. Slayden was inside the festival he did not have any conversations with anyone about religion, scripture, faith or anything of that nature. Nor did he have any interactions with Franklin Police Department or any Franklin Pride security. (Depo. of Jeremy Slayden at 71:11-15; 72:8-15).

RESPONSE:

107. When he re-entered the Park, he conducted a few quick interviews with different people who were accompanying Mr. Russell that day. (Depo. of Jeremy Slayden at 62:10-17).

RESPONSE:

108. After the interviews, Mr. Slayden gathered with a few men to pray. (Depo. of Jeremy Slayden at 62:18-19; 76:14-16).

RESPONSE:

109. At the close of the prayer, Mr. Slayden and the men he was praying with looked up after the close of the prayer and they themselves surrounded by several Franklin Police officers, and event officials who demanded that they leave the Park or they would be arrested. (Depo. of Jeremy Slayden at 62:18-24; 85:23-86:3, 18-19; 87:1-4; 88:5-9; 113:4-5).

RESPONSE:

IV. Timothy Brown

110. On June 3, 2023, Plaintiff Timothy Brown and his fellow street preacher, Tom Knickerbocker, sought entry to the Park to attend Franklin Pride to minister and hand out religious tracts. (Depo. of Timothy Brown at 17:18-25, 19:1-2, 11-25, 20:1-12).

RESPONSE:

111. Franklin Pride staff prevented Plaintiff Brown, who was carrying his Bible and some religious tracts in his hand, and his friend Knickerbocker, from entering the Park at the gate, citing Brown's possession of religious tracts as the reason for denial. (Depo. of Timothy Brown at 48:9-24, 66:25, 67:1-9, 75:2, 78:11-17, 85:1-4; Depo. of Mark Sanchez, at p. 44- 46; Depo. of Clayton Cates at 17:2-13).

RESPONSE:

112. Mr. Brown offered to take his tracts back to his car, but he still was not permitted to enter the park. (Depo. of Clayton Cates 75:1-2; Depo. of Mark Sanchez at 23:4-25, 24:1-21, 36:11-24, 37:1-3; p. 44-46).

RESPONSE:

113. Brown requested to speak with a City of Franklin police officer. Officer Sanchez arrived and informed Brown that if Franklin Pride staff did not want him to enter the Park, he could not enter. (Depo of Mark Sanchez at p. 44-46).

RESPONSE:

114. Brown then requested to speak with Officer Sanchez's supervisor. Lieutenant Clayton Cates arrived and told Brown that Franklin Pride had "reserved the Park," making it a "private event," and stated, "if the event organizers don't want you here, or in their event, that's their call." (Depo. of Mark Sanchez at 79:23-25, 80:6-9).

RESPONSE:

115. Lieutenant Cates arrived on the scene and reiterated that Plaintiff Brown was not allowed to enter and would be arrested for criminal trespassing if he did so and failed to leave. (Depo of Mark Sanchez at p. 44-46; Depo. of Clayton Cates at 16:3-23, p. 18-19).

RESPONSE:

116. Brown was not violating any posted Rules and Policies of Franklin Pride regarding use of the Park at the time of his exclusion, and he expressly agreed to abide by all festival rules. (Doc. No. 28 ¶¶ 29, 74; Depo. of Clayton Cates at 15:22-24)

RESPONSE:

117. Despite his compliance and intent to peacefully attend, Brown was denied entry to the Park by Franklin Pride staff, with this decision enforced by Officer Sanchez and Lieutenant Cates under the City of Franklin's authority. (Depo. of Clayton Cates at p. 17-19).

RESPONSE:

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 10th day of April, 2025, a true and exact copy of the foregoing Plaintiff's Statement of Undisputed Facts was delivered by ECF Filing upon the person(s) listed below:

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